

Mt. Carmel Public Utility Co.  
on its own motion

Petition for Waiver Under 83 Ill. Adm. Code  
Section 452.140.

02-0217

PETITION OF MT. CARMEL PUBLIC UTILITY CO. FOR WAIVER

Now comes Mt. Carmel Public Utility Co., by and through the law firm of Koger & Bramlet, P. C., its attorneys, and does hereby Petition the Illinois Commerce Commission for a waiver pursuant to Section 83 Ill. Adm. Code 452.140 (Waivers), and in support thereof states as follows:

1. The Illinois Commerce Commission ("Commission") entered an Order dated January 24, 2002, in Docket Nos. 98-0147 consolidated with 98-0148, setting forth the final rule known as Part 452.

2. The Order addresses Standards of Conduct and Functional Separation between generation services and delivery services of Illinois electric utilities.

3. Mt. Carmel uses its transmission and distribution system to directly provide electric services to less than 50,000 retail customers in Illinois in Company's service area. Section 452.140 allows Mt. Carmel to petition the Commission for a waiver under Section 452.30, 452.35(b) and (c), 452.40, 452.60, 452.70, 452.80, 452.90, 452.100 and 452.170.

4. Mt. Carmel Public Utility Co. ("Company") is an electric and gas utility in the State of Illinois as defined in the Public Utilities Act (220 ILCS 5/1-101, et seq.).

5. Company does not own, operate or control power generation resources as related to Part 452.

6. Company has no affiliates and therefore no affiliate of the electric utility owns, operates, or controls power generation resources.

7. Company provides only mandatory generation services as defined in Section 452.20 and as otherwise established under the Commission rules or orders.

8. All power and energy provided to Company's retail customers in Company's service area is obtained entirely through wholesale purchases at tariffs approved by the Federal Energy Regulatory Commission.

9. No power and energy is provided to customers in Company's service area from an affiliated interest, as Company has no affiliated interests.

10. Company employs a Commission approved fuel adjustment clause to recover costs of providing mandatory generation services.

11. The costs which would be incurred by Company to comply with Part 452 absent a waiver would be cost prohibitive and would require additional resources to be hired and be maintained which would drive the cost of operations up and thereby the cost to the customers to increase. All of such costs would be of no benefit to the customer because of the unique size and structure of Company's electric utility.

12. Granting of a waiver will not adversely impact the reliability of electric service to Company's customers.

13. Granting of a waiver as requested herein will not cause undue discrimination or create or promote inefficient competition in the State of Illinois or in Company's service area.

14. Granting of a waiver will not cause any undue harm or prejudice to any party, however failure to provide the requested relief herein will cause harm and prejudice to Company

and its customers.

WHEREFORE, Mt. Carmel Public Utility Co. prays that the Illinois Commerce Commission will grant a waiver in conformance with Section 452.140 and with the relief requested herein.

DATED this 20th day of March, 2002.

Respectfully submitted,

MT. CARMEL PUBLIC UTILITY CO.

Philip Barnhard IV  
PHILIP BARNHARD IV, President

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF WABASH    )

**VERIFICATION**

I, Philip Barnhard IV, first being duly sworn upon oath depose and say that I am President and CEO for Mt. Carmel Public Utility Co., an Illinois corporation; that I have read the above and foregoing Petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

Philip Barnhard IV  
PHILIP BARNHARD IV

Subscribed and sworn to before me this 20th day of March, 2002.

Sharon J. Gehret  
Notary Public

By: Eric Bramlet of  
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## ILLINOIS COMMERCE COMMISSION

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